

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JUAN RANGEL, an individual	)	Case No. CV 10-00129 DDP (FMOx)
and FINANCIAL PLUS	)	
INVESTMENTS, INC., a	)	
California corporation on	)	<b>ORDER GRANTING LEAVE TO FILE</b>
behalf of themselves and all	)	<b>SECOND AMENDED COMPLAINT</b>
others similarly situated,	)	
	)	
Plaintiff,	)	
	)	[Motion filed on 1/28/11]
v.	)	[LINK TO DOCKET NOS. 21 & 26]
	)	
UNITED STATES OF AMERICA,	)	
and ERIC HOLDER, in his	)	
official capacity as United	)	
States Attorney General,	)	
	)	
Defendants.	)	
	)	
_____	)	

Presently before the court is Plaintiffs' Motion for Leave to file Second Amended Complaint (Dkt. No. 21). Having reviewed the parties' submissions, the court grants the motion and adopts the following order.

Federal Rule of Civil Procedure 15(a), which governs requests for leave to amend pleadings, provides that "leave shall be freely given when justice so requires." Fed. R. Civ. P. 15(a). The Ninth Circuit has held that amendments should be granted with

1 "extreme liberality" in order "to facilitate decision on the  
2 merits, rather than on the pleadings or technicalities." United  
3 States v. Webb, 655 F.2d 977, 979 (9th Cir. 1981). Accordingly, the  
4 burden of persuading the court that leave should not be granted  
5 rests with the non-moving party. See DCD Programs, Ltd. v.  
6 Leighton, 833 F.2d 183, 186-87 (9th Cir. 1987). Leave to amend  
7 should be freely given unless the opposing party makes a showing of  
8 undue prejudice, bad faith, or dilatory motive on the part of the  
9 moving party. Foman v. Davis, 371 U.S. 178, 182 (1962); see also  
10 Ascon Properties, Inc. v. Mobil Oil Co., 866 F.2d 1149, 1160 (9th  
11 Cir. 1989).

12 Here, Defendants do not argue, let alone show, that they will  
13 be unduly prejudiced or that Plaintiffs have acted with bad faith  
14 or dilatory intent. (Opposition at 4). Accordingly, Plaintiffs'  
15 Motion for Leave to file Second Amended Complaint is GRANTED.  
16 Plaintiffs shall file a Second Amended Complaint in accordance with  
17 clerk's office procedures within twenty days of the date of this  
18 order, by August 2, 2011. This order shall not preclude Defendants  
19 from challenging venue or raising other defenses in response to the  
20 Second Amended Complaint.

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22  
23 IT IS SO ORDERED.

24  
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26 Dated: July 13, 2011

  
DEAN D. PREGERSON  
United States District Judge